

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In re:

The Roman Catholic Diocese of Syracuse, New
York,

Debtor.

Case No. 20-30663

Chapter 11

Judge Wendy A. Kinsella

**THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS' MOTION TO
AUTHORIZE STATUS CONFERENCES FOR THE PRESENTATION OF
SURVIVOR IMPACT STATEMENTS**

The Official Committee of Unsecured Creditors (the “Committee”) appointed in the bankruptcy case filed by The Roman Catholic Diocese of Syracuse, New York (the “Debtor” or “Diocese”) files this motion (the “Motion”) to request that the Court set status conferences for the presentation of survivor impact statements (“Survivor Statements”). In support of the Motion, the Committee respectfully states:

PRELIMINARY STATEMENT

This chapter 11 case was filed to redress the collective harm that survivor claimants (“Survivors”) have experienced. As stated by Msgr. Timothy S. Elmer of the Diocese, “[t]he Diocese [did not] seek bankruptcy relief to hide the truth or deny any person a day in court. In fact, the Diocese is committed to pursuing the truth and has never prohibited any person from telling his/her story or speaking his/her truth in public.”¹

As the case nears confirmation, and before the opportunity passes, it is time to provide Survivors with the platform to speak their truth directly to the Debtor, the Committee, other

¹ *Declaration of Rev. Msgr. Timothy S. Elmer Regarding Structure and Pre-Filing History of The Roman Catholic Diocese of Syracuse, New York and In Support of the Chapter 11 Petition and First Day Pleadings* [Dkt. No. 7].

parties, and the Court. Allowing Survivors to speak will provide a small, but meaningful, measure of recognition and justice for the decades of isolation and pain they have endured. Based on past experiences of its counsel, as well as feedback received from the Survivors and their attorneys in this case, the Committee believes that, for many Survivors, the opportunity to be heard is equally, if not more, important than any monetary compensation they may ultimately receive.

For these reasons, and those articulated herein, the Committee asks the Court to grant the Motion.

RELIEF REQUESTED

The Committee respectfully requests that the Court set full-day status conferences for the presentation of survivor impact statements on April 22 and April 23, and otherwise order the relief detailed in the proposed order attached hereto as **Exhibit A**.

SURVIVOR STATEMENTS IN SIMILAR CASES

In other diocesan bankruptcy proceedings, survivors have been afforded an opportunity to speak in court to allow for recognition and acknowledgement of the collective harm caused by decades of denial and silence.² Survivor statements have served as an important step in the process of healing, communication, and atonement for Survivors and the church.³

² See, e.g., *Transcript of Confirmation Hearing and Joint Amended Plan of Reorganization*, Doc. 1537 at 18:18-26:17, *In re Roman Catholic Diocese of Harrisburg*, Case No. 20-bk-0059 (Bankr. M.D.P.A.) (Feb. 15, 2023); see also *Transcript of Proceedings Before the Honorable Frances Tydingco-Gatewood Chief Judge*, Doc. 1092 at 23:3-25:17, *In re Archbishop of Agaña*, Case No. 19-00010 (Bankr. D. Guam) (Oct. 4, 2022).

³ The Committee does not intend the Survivor statements replace Survivor proofs of claim, to have any evidentiary weight, prejudice the rights of any party, or otherwise require any party to offer supporting or conflicting statements.

A. *In re The Roman Catholic Bishop of Sacramento*

Most recently, on January 8, 2025, the Bankruptcy Court for the Eastern District of California approved *The Official Committee of Unsecured Creditors' Motion to Authorize a Status Conference for the Presentation of Survivor Statements*⁴ filed by the survivor committee over an objection from Certain Underwriters at Lloyd's, London and Certain London Market Insurance Companies.⁵ The court has scheduled a survivor statement hearing for March 31, 2025 at 11:00 a.m. PT.⁶

B. *In re The Roman Catholic Bishop of Santa Rosa*

In October of 2024, the United States Bankruptcy Court for the Northern District of California, Santa Rosa Division granted the *Motion to Schedule Status Conference for the Presentation of Survivor Statements*⁷ filed by the survivor committee. After review of the application, and despite responses filed by Pacific Insurers⁸ and Certain Underwriters at Lloyd's, London and Certain London Market Insurance Companies,⁹ and an unfortunately contentious

⁴ *Motion to Schedule Status Conference for the Presentation of Survivor Statements*, Doc. 924, *In re The Roman Catholic Bishop of Sacramento*, Case No. 24-21326 (Bankr. E.D. Cal.) (Dec. 6, 2024).

⁵ *Opposition to Motion to Authorize a Status Conference for the Presentation of Survivor Statements*, Doc. 994, *In re The Roman Catholic Bishop of Sacramento*, Case No. 24-21326 (Bankr. E.D. Cal.) (Dec. 24, 2024).

⁶ See *Civil Minutes* for hearing conducted on January 8, 2025, at 11:00 a.m. PT, Doc. 1015, *In re The Roman Catholic Bishop of Sacramento*, Case No. 24-21326 (Bankr. E.D. Cal.) (Jan. 8, 2025).

⁷ *Motion to Schedule Status Conference for the Presentation of Survivor Statements*, Doc. 920, *In re The Roman Catholic Bishop of Santa Rosa*, Case No. 23-10113 (Bankr. N.D. Cal.) (Oct. 4, 2024).

⁸ *Objection to Official Committee of Unsecured Creditors' Motion to Schedule a Status Conference for the Presentation of Survivor Statements*, Doc. 952, *In re The Roman Catholic Bishop of Santa Rosa*, Case No. 23-10113 (Bankr. N.D. Cal.) (Nov. 1, 2024).

⁹ *Opposition to Official Committee of Unsecured Creditors' Motion to Schedule a Status Conference for the Presentation of Survivor Statements*, Doc. 950, *In re The Roman Catholic Bishop of Santa Rosa*, Case No. 23-10113 (Bankr. N.D. Cal.) (Nov. 1, 2024).

hearing, the motion was approved. The court confirmed that survivors “may make their statements, the court and all other interested parties in attendance will hear them, and we will move forward.”¹⁰ The court has scheduled a conference for February 6, 2025 at 1:00 p.m. to hear the survivor impact statements.

C. *In re The Roman Catholic Bishop of Oakland*

In the Diocese of Oakland bankruptcy, the court granted the *Motion for Order Scheduling Status Conferences for the Presentation of Survivor Statements*¹¹ filed by the survivor committee. After two hearings and reviewing the application and opposition responses filed by Certain Underwriters at Lloyd’s London¹² and Pacific Insurers,¹³ the court provided survivors with the opportunity to present their statements in person at two sessions—one held on November 4, 2024, and another on December 13, 2024.¹⁴

D. *In re The Roman Catholic Archbishop of San Francisco*

In July of 2024, the United States Bankruptcy Court for the Northern District of California, San Francisco Division, granted the *Application to Schedule a Status Conference for the*

¹⁰ *Order Authorizing Survivor Statement Hearing*, Doc. 966, *In re The Roman Catholic Bishop of Santa Rosa*, Case No. 23-10113 (Bankr. N.D. Cal.) (Nov. 18, 2024).

¹¹ *Motion for Order Scheduling Status Conferences for the Presentation of Survivor Statements*, Doc. 1365, *In re The Roman Catholic Bishop of Oakland*, Case No. 23-40523 (Bankr. N.D. Cal.) (Oct. 7, 2024).

¹² *Limited Opposition to the Motion for Order Scheduling Status Conferences for the Presentation of Survivor Statements*, Doc. 1382, *In re The Roman Catholic Bishop of Oakland*, Case No. 23-40523 (Bankr. N.D. Cal.) (Oct. 14, 2024).

¹³ *Pacific Insurers’ Objection to the Committee’s Motion for Order Scheduling Status Conferences for the Presentation of Survivor Statements*, Doc. 1382, *In re The Roman Catholic Bishop of Oakland*, Case No. 23-40523 (Bankr. N.D. Cal.) (Oct. 14, 2024).

¹⁴ *Order Granting Motion to Schedule Status Conferences for the Presentation of Survivor Statements*, Doc. 1436, *In re The Roman Catholic Bishop of Oakland*, Case No. 23-40523 (Bankr. N.D. Cal.) (Oct. 31, 2024).

*Presentation of Survivor Statements*¹⁵ filed by the survivor committee. After reviewing the application and the opposition response filed by Certain Underwriters at Lloyd's London and Certain London Market Companies,¹⁶ the court provided Survivors with the opportunity to present their statements in person.¹⁷ Two in-person only status conferences were conducted on September 9, 2024 and September 13, 2024.

E. In re Roman Catholic Archbishop of Baltimore

In the Archdiocese of Baltimore bankruptcy, the court conducted two, two-hour sessions for survivor statements “from certain members of the Committee and other Survivor claimants who have expressed a willingness and desire to address the Court.”¹⁸ The conferences were ordered for “the sole purpose” of increasing “engagement and understanding in [the] chapter 11 case.”¹⁹ The *Archdiocese of Baltimore* court also made certain accommodations for survivor-presenters at these events. For example, the court ordered that “*no statements of any party at the Conferences will be considered as evidence in any matter or proceeding in this case or as part of the official record in this case.*”²⁰ In addition, the court ordered that “the Conferences will not

¹⁵ *Application to Schedule a Status Conference for the Presentation of Survivor Statements*, Doc. 745, *In re The Roman Catholic Archbishop of San Francisco*, Case No. 23-30564 (Bankr. N.D. Cal.) (July 11, 2024).

¹⁶ *Response to the Application filed by Certain Underwriters at Lloyd's London and Certain London Market Companies*, Doc. 750, *In re The Roman Catholic Archbishop of San Francisco*, Case No. 23-30564 (Bankr. N.D. Cal.) (July 18, 2024).

¹⁷ *Order Granting Application to Schedule a Status Conference with Presentation of Survivor Statements*, Doc. 781 and *Amended Order Granting Application to Schedule a Status Conference with Presentation of Survivor Statements*, Doc. 829, *In re The Roman Catholic Archbishop of San Francisco*, Case No. 23-30564 (Bankr. N.D. Cal.).

¹⁸ *Order Granting Committee Request to Reserve Time for Presentation of Survivor Statements*, Doc. 432, *In re Roman Catholic Archbishop of Baltimore*, Case No. 23-16969 (Bankr. D. Md.) (Mar. 21, 2024).

¹⁹ *Id.*

²⁰ *Id.*

be transcribed by a court reporter.”²¹ Finally, the court provided survivor-presenters, their attorneys, and the committee access to the courtroom two hours prior to the time scheduled for presentations.

Following the hearings, Baltimore Archbishop William Lori stated that “it’s important for me and for church leaders continually to hear from victim-survivors about what happened in their life and what that brought about in their lives.”²² Archbishop Lori further stated “it’s a moment when victim-survivors experience a moment of empowerment and justice. And, I think testimonies will have a big impact on my mind and heart and on the proceedings that are to follow.”²³ He also stated that the “powerful testimony offered [] by courageous victim-survivors furthers our universal awareness and understanding of the devastating harm they endured as innocent children. Their stories help drive the Archdiocese of Baltimore’s continuing commitment to be vigilant with strong child protection policies and effective action.”²⁴

The survivors who spoke at the conferences held in the *Archdiocese of Baltimore* matter also confirmed the importance of the opportunity. The survivor committee chair stated that “[i]n

²¹ *Id.*

²² Alex Mann, *Catholic sex abuse: Baltimore Archbishop Lori commits ‘to hear directly from the survivors in court*, The Baltimore Sun, Mar. 20, 2024 available at <https://www.baltimoresun.com/2024/03/20/baltimore-lori-proposed-victim-testimony/>; See Archbishop William E. Lori, *Archbishop Lori Joins Chairman of Court-Sanctioned Survivors’ Committee to Outline Next Steps in Chapter 11 Mediation*, Child & Youth Protection, From the Archbishop, Press Release, July 9, 2024, available at <https://www.archbalt.org/archbishop-lori-joins-chairman-of-court-sanctioned-survivors-committee-to-outline-next-steps-in-chapter-11-mediation/> (Archbishop Lori states “I also commend the Committee for their historic work already in proposing and organizing an opportunity for numerous survivors to address the bankruptcy court directly, something we have not seen done in other bankruptcies.”).

²³ *Id.*

²⁴ Rebecca Pryor, *Clergy abuse survivors testify during Archdiocese of Baltimore bankruptcy hearing*, Fox Baltimore, May 20, 2024, available at <https://foxbaltimore.com/news/local/clergy-abuse-survivors-testify-during-archdiocese-of-baltimore-bankruptcy-hearing>.

some bizarre way, it is a relief. It is a turning point to, a, be able to say it to people out in public and to turn the focus back onto themselves to heal.”²⁵ Another Survivor called the conference “a day of liberation” for her and said the chance to speak was “a phenomenal healing tool in my recovery.”²⁶

F. In re Purdue Pharma L.P.

Throughout the *Purdue Pharma* case, a different tort-based bankruptcy, the bankruptcy court “permitted victims of opioid addiction and their loved ones to share their experiences during. . . hearings before the Court.”²⁷ The mediator, Hon. Shelley C. Chapman, “strongly” recommended that the Court “hear from several personal injury victims” and that members of the Sackler families be required to attend.²⁸ Judge Chapman further recommended that “no other participant” at the hearing, “including the members of the Sackler Families in attendance, be expected or permitted to respond or comment on the statements made by such individuals.”²⁹ Finally, Judge Chapman observed that it was her “heartfelt belief that providing this opportunity for the victims and the obligation of the Sackler Families to participate . . . serves the ends of justice.”³⁰

²⁵ David Collins, *Clergy sex abuse survivors recount torment through gut-wrenching testimony*, WBALTV, May 20, 2024, available at <https://www.wbal.tv.com/article/clergy-sex-abuse-survivors-testimony-archdiocese-of-baltimore-bankruptcy/60847568>.

²⁶ Steve Thompson, *Baltimore archbishop hears accounts of abuse during bankruptcy hearing*, The Washington Post, April 8, 2024, available at <https://www.washingtonpost.com/dc-md-va/2024/04/08/archdiocese-baltimore-abuse-survivors-bankruptcy/>.

²⁷ *Mediator’s Fourth Interim Report*, Doc. 4409, *In re. Purdue Pharma L.P.*, Case No. 19-23649 (RDD) (Bankr. S.D.N.Y.) (Mar. 3, 2022).

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

The Bankruptcy Court accepted Judge Chapman’s recommendation and scheduled a hearing that included “two hours for individuals . . . to present victim statements.”³¹ The creditors’ committee was tasked with “selecting the individuals who will be speaking” and at least two members of the Sackler Family were required to attend and listen to the victim statements.³²

ARGUMENT

§ 105(a) of the Bankruptcy Code, in conjunction with § 105(d), authorizes the Court to schedule status conferences for the presentation of Survivor Statements in this case. Under those provisions, the Court “may issue any order . . . that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code]” and “shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case.”³³ As detailed above, bankruptcy courts have authorized survivors to speak at status conferences under § 105 of the Bankruptcy Code.

In this case, authorizing Survivor Statements will provide Survivors direct access to the process through which their rights and recoveries are being determined. Permitting Survivors this opportunity would communicate clearly to Survivors that their voices are valued, that their suffering was (and remains) real, and that their histories will no longer be silenced, shadowed, or cast aside in deference to transactional or institutional priorities. Specific focus on Survivors, divorced from the legal complexities of this case, will promote justice for Survivors in a way that

³¹ *Notice of Hearing Regarding Motion of Debtors Pursuant to 11 U.S.C. § 105(a) and 363(b) for Entry of an Order Authorizing and Approving Settlement Term Sheet, Including Portion of Hearing Specifically Allocated for Victim Statements*, Doc. 4430, *In re. Purdue Pharma L.P.*, Case No. 19-23649 (Bankr. S.D.N.Y.) (Mar. 7, 2022).

³² *Id.*

³³ 11 U.S.C. § 105(a), (d).

confirmation cannot and may well have a profound impact on all that are involved. The Committee believes that it is time for Survivors to be heard.

CONCLUSION

For the reasons detailed herein, the Committee respectfully requests that the Court approve the Motion and enter the order attached hereto as **Exhibit A**.

Date: January 23, 2025

/s/ Robert T. Kugler

Robert T. Kugler (MN # 194116)

Edwin H. Caldie (MN # 388930)

Drew J. Glasnovich (MN # 0398366)

Stinson LLP

50 South Sixth Street, Suite 2600

Minneapolis, MN 55402

Main: 612-335-1500

Facsimile: 612-335-1657

Email: robert.kugler@stinson.com

ed.caldie@stinson.com

drew.glasnovich@stinson.com

*Attorneys to the Official Committee of Unsecured
Creditors*

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In re:

The Roman Catholic Diocese of Syracuse, New
York,

Debtor.

Case No. 20-30663

Chapter 11

Judge Wendy A. Kinsella

ORDER

This matter is before the Court on *The Official Committee of Unsecured Creditors' Motion to Authorize Status Conferences for the Presentation of Survivor Statements* (the "Motion") filed by the Official Committee of Unsecured Creditors (the "Committee") in the above-captioned chapter 11 case. Based on the Motion and the entirety of the docket in this case to date, the Court finds that the requested relief is in the best interest of this estate and may further the Debtor's reorganization efforts to the benefit of the Debtor, the Survivors, and other parties in interest; and after due deliberation thereon, and good and sufficient cause appearing therefor:

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED**.

2. The will schedule full-day status conferences on April 22 and April 23 (the “Conferences”).

3. The sole purpose of the Conferences is to increase engagement and understanding in this chapter 11 case; *no statements of any party at the Conference will be considered as evidence in any matter or proceeding in this case or as part of the official record in this case.*

4. The Conferences will not be transcribed by a court reporter.

5. Notwithstanding the immediately preceding paragraph, the Court will record the audio of the Conferences, which is standard protocol for the Court and necessary for the Court to preside over the Conferences, *but the recordings of the Conference will not be released or transcribed without further Order of the Court, after notice and hearing, and only if and to the extent mandated by law or consented to by the parties.*

6. The Committee shall file an agenda for the Conferences by April 18, 2025; such agenda should identify only the number of Survivor Statements being presented, the estimated time allocated to each statement, and whether conferences on both April 22 and April 23 will be necessary depending on the number of Survivors that are interested in participating.

7. The Conferences will include only Survivor Statements; no parties in interest shall be expected or allowed to comment or respond to the Survivor Statements.

###

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In re:

The Roman Catholic Diocese of Syracuse, New
York,

Debtor.

Case No. 20-30663

Chapter 11

Judge Wendy A. Kinsella

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2025, I electronically filed the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system which sent notification of such filing to all registered parties.

Date: January 23, 2025

/s/ Jess Rehbein

Jess Rehbein